

RATTET PASTERNAK, LLP  
Proposed Attorneys for the Debtor  
550 Mamaroneck Avenue  
Harrison, New York 10528  
(914) 381-7400  
Robert L. Rattet  
Dawn Kirby Arnold

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

Chapter 11

ANGELO & MAXIE'S LLC,

Case No. 11-11112 (SCC)

Debtor.  
-----X

**DECLARATION OF REED GOLDSTEIN**  
**PURSUANT TO LOCAL RULE 1007-2**

REED GOLDSTEIN, being duly sworn, deposes and says:

1. I am the Managing Member of Angelo & Maxie's LLC (the "Debtor"), and I submit this affidavit pursuant to Rule 1007-2 of the Local Rules for the United States Bankruptcy Court for the Southern District of New York.

**BACKGROUND**

2. The Debtor is a popular white table cloth steakhouse restaurant located at 233 Park Avenue South at 19<sup>th</sup> Street. The current management has operated the restaurant for approximately six years, and restaurant has operated under the well-known Angelo & Maxie's name for over 20 years.

3. The name Angelo & Maxie's comes from the hit tune "Lullaby of Broadway" from the musical 42<sup>nd</sup> Street. In 1996, the restaurant underwent a \$1.5 million renovation to create its current 1930's style Art Deco atmosphere. The 230-seat restaurant serves over 700 dinners on weekend nights. The restaurant serves high quality steaks, emphasizing friendly service and

American abundance at moderate prices. The average check at Angelo & Maxie's ranges from \$35 to \$40 per person.

4. The Debtor experienced financial difficulty in the down economy over the past few years, which was exacerbated by the extremely poor weather this past winter. The Debtor fell behind in its rent to its landlord, but the Debtor disputes the amount alleged due and disputes the validity of a notice to cure and notice of termination allegedly served by the Landlord prior to the Chapter 11. The Debtor intends to use the Chapter 11 process to protect its valuable lease while determining what is due to the landlord, and curing the amount determined due.

5. As a result, of all of the above, the Debtor intends to utilize the bankruptcy process in order to restructure and reorganize its affairs. The Debtor is urgently in need of the relief afforded by the automatic stay to give it time to further investigate the status of any rent due to its landlord, to restructure its obligations to the taxing authorities and to unsecured creditors. The Debtor believes that the bankruptcy process will give it breathing room from its creditors so that focus can be placed on increasing sales and restructuring its affairs so as to propose a plan of reorganization that it is in the best interests of its creditors and affords them the greatest recovery possible.

6. The needs and interests of the Debtor's creditors will best be served by the continued possession of its property and management of its affairs as debtor-in-possession under Chapter 11 until confirmation of a reorganization plan.

**INFORMATION REQUIRED BY LOCAL BANKRUPTCY RULE 1007**

7. In addition to the foregoing, Local Bankruptcy Rule 1007-2 requires certain information related to the Debtor, which is set forth below.

**Local Rule 1007-2(a)(1)**

8. The Debtor is located at 233 Park Avenue South, New York, New York.

**Local Rule 1007-2(a)(2)**

9. This case was not originally commenced under Chapter 7 or 13 of title 11 of the United States Code, 11 U.S.C. §§ 101, et seq., as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

**Local Rule 1007-2(a)(3)**

10. Upon information and belief, no committee was organized prior to the order for relief in this Chapter 11 case.

**Local Rule 1007-2(a)(4)**

11. A list of the names and addresses of the Debtor's 20 largest unsecured claims, excluding those who would not be entitled to vote at a creditors' meeting and creditors who are "insiders" as that term is defined in 11 U.S.C. Section 101(31) is annexed as **Schedule I**.

**Local Rule 1007-2(a)(5)**

12. A list of the names and addresses of the five largest secured creditors is annexed hereto as **Schedule II**.

**Local Rule 1007-2(a)(6)**

13. A balance sheet pursuant to the requirements of a small business debtor set forth in 11 U.S.C. §1116 is annexed as **Schedule III**.

**Local Rule 1007-2(a)(7)**

14. There are no publicly held securities of the Debtor.

**Local Rule 1007-2(a)(8)**

15. None of the Debtor's property is in the possession of any custodian, public officer, mortgagee, pledge, assignee of rents, or secured creditor, or any agent for such entity.

**Local Rule 1007-2(a)(9)**

16. The Debtor is a party to a nonresidential real property sublease for its premises at 233 Park Avenue South, New York, New York.

**Local Rule 1007-2(a)(10)**

17. The Debtor's assets and records are located at its principal place of business at 233 Park Avenue South, New York, New York.

**Local Rule 1007-2(a)(11)**

18. The following actions or proceedings are pending concerning the Debtor:

225 Fourth LLC v. A&M Acquisition LLC n/k/a Angelo & Maxie's LLC  
Civil Court, New York Co. Index No. L&T 59101-11

**Local Rule 1007-2(a)(12)**

19. The Debtor's senior management is Reed Goldstein, Managing Member.

**Local Rule 1007-2(b)(1) and (2)**

20. The Debtor's estimated weekly payroll to employees for the thirty (30) day period following the Chapter 11 petition is \$140,000.

21. The Debtor's estimated weekly payroll and payments to officers, stockholders, and directors for the thirty (30) day period following the Chapter 11 petition is \$6,000.

**Local Rule 1007-2(b)(3)**

22. The Debtor estimates that it will operate at a slight loss in the 30-day period following the filing of the chapter 11 petition. A 30-day budget is annexed as **Schedule IV**.

**CONCLUSION**

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct.

By: /s/ Reed Goldstein

Reed Goldstein, Managing Member

**SCHEDULE I**

**20 Largest Unsecured Creditors**

**See Attached**

**United States Bankruptcy Court**  
**Southern District of New York**

In re Angelo & Maxie's, LLC

Debtor(s)

Case No.

Chapter

11

**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
225 Fourth LLC c/o Orda Management Corp. 225 Park Avenue South New York, NY 10003	225 Fourth LLC c/o Orda Management Corp. 225 Park Avenue South New York, NY 10003		Disputed	265,981.80
Green Tree Packing, Inc. 65 Central Avenue P.O. Box386 Passaic, NJ 07055	Green Tree Packing, Inc. 65 Central Avenue P.O. Box386 Passaic, NJ 07055			120,764.94
Buckhead Beef Company P.O. Box 6988 Attn: Accounts Receivable Dept Edison, NJ 08818	Buckhead Beef Company P.O. Box 6988 Attn: Accounts Receivable Dept Edison, NJ 08818			103,130.37
Forest Hills Produce 1336 84th Street Brooklyn, NY 11228	Forest Hills Produce 1336 84th Street Brooklyn, NY 11228			99,487.05
North East Linen Supply 2400 East Liden Avenue Linden, NJ 07036-1100	North East Linen Supply 2400 East Liden Avenue Linden, NJ 07036-1100			44,619.93
M.Slavin & Son's 800 Food Center Drive Unit #66 Bronx, NY 10474	M.Slavin & Son's 800 Food Center Drive Unit #66 Bronx, NY 10474			27,332.19
SYSCO Food Service 20 Theodore Conrad Drive Jersey City, NJ 07305-4614	SYSCO Food Service 20 Theodore Conrad Drive Jersey City, NJ 07305-4614			21,590.87
NYS Dept of Tax & Finance Metropolitan District 55 Hanson Place Brooklyn, NY	NYS Dept of Tax & Finance Metropolitan District 55 Hanson Place Brooklyn, NY			20,000.00
Sam Tell & Son, Inc. 300 Smith Street Farmingdale, NY 11735	Sam Tell & Son, Inc. 300 Smith Street Farmingdale, NY 11735			19,796.44
Bruces Bakery 34 Middle Neck Road Great Neck, NY 11021	Bruces Bakery 34 Middle Neck Road Great Neck, NY 11021			18,411.95

Debtor(s)

**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**  
 (Continuation Sheet)

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
American Express P.O. Box 1270 Newark, NJ 07101	American Express P.O. Box 1270 Newark, NJ 07101			11,773.22
Seamless web 232 Madison Avenue, Suite 1409 New York, NY 10016	Seamless web 232 Madison Avenue, Suite 1409 New York, NY 10016			11,419.59
Accountemps 12400 Collections Center Drive Chicago, IL 60693	Accountemps 12400 Collections Center Drive Chicago, IL 60693			10,872.00
Borax Paper Products, Inc. P.O. Box 27712 New York, NY 10087-7712	Borax Paper Products, Inc. P.O. Box 27712 New York, NY 10087-7712			10,583.00
LeClairRyan P.O. Box 2499 Richmond, VA 23218-2499	LeClairRyan P.O. Box 2499 Richmond, VA 23218-2499			8,554.24
Swede Farm 480 Alfred Avenue Teaneck, NJ 07666	Swede Farm 480 Alfred Avenue Teaneck, NJ 07666			7,739.45
I. Halper Paper & Supplies P.O. Box 445 95 Freeway Drive West Orange, NJ	I. Halper Paper & Supplies P.O. Box 445 95 Freeway Drive West Orange, NJ			7,516.84
Mivila Foods 226 Getty Avenue Paterson, NJ 07503	Mivila Foods 226 Getty Avenue Paterson, NJ 07503			7,360.83
Southern Wine & Spirits of NY 345 Underhill Blvd. P.O. Box 9034 Syosset, NY 11791	Southern Wine & Spirits of NY 345 Underhill Blvd. P.O. Box 9034 Syosset, NY 11791			6,845.00
Capital One Credit Remittance Processing Center P.O. Box 70885 Charlotte, NC 28272-0885	Capital One Credit Remittance Processing Center P.O. Box 70885 Charlotte, NC 28272-0885			6,653.80



## **SCHEDULE II**

### **Five Largest Secured Creditors**

In re **Angelo & Maxie's, LLC**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	Husband, Wife, Joint, or Community	D A T E C L A I M W A S I N C U R R E D, N A T U R E O F L I E N, A N D D E S C R I P T I O N A N D V A L U E O F P R O P E R T Y S U B J E C T T O L I E N	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	A M O U N T O F C L A I M W I T H O U T D E D U C T I N G V A L U E O F C O L L A T E R A L	U N S E C U R E D P O R T I O N, I F A N Y
		H W J C						
Account No.								
<b>North Fork Bank</b> <b>a Division of Capital One NA</b> <b>275 Broad Hollow Road</b> <b>Melville, NY 11747</b>								
Value \$								
Account No.								
<b>Sound Garden</b> <b>P.O. Box 2028</b> <b>Woodstock, GA 30188</b>								
Value \$								
Account No.								
Value \$								
Account No.								
Value \$								
Subtotal (Total of this page)							<b>0.00</b>	<b>0.00</b>
Total (Report on Summary of Schedules)							<b>0.00</b>	<b>0.00</b>

0 continuation sheets attached

**Schedule III**  
**Balance Sheet**

**TO BE FILED**

**Schedule IV**

**30-Day Projections**

**TO BE FILED**